IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

_

WRIT PETITION NO : 22604 of 2004

Between:

Guda Rajaiah S/o.Lingaiah
R/o.Kurmapalli, H/o.Kyathanpalli
M.R.Mandamarri, Adilabad District.

..... PETITIONER

AND

1 The Superintendent of Police, Adilabad, Adilabad District.
2 The Circle Inspector of Police, Mandamarri Circle
Mandamarri, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly a writ in the nature of Mandamus declaring the action of the respondent in summoning and calling the petitioner to the Circle Inspector Office, Mandamarri Circle, M.R.Mandamarri, Adilabad District without due process of law as arbitrary, colourable exercise of power, without jurisdiction and violative of Article 21 of Constitution of India.

Counsel for the Petitioner:MR.P.V.NARAYANA RAO

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner claims that he filed O.S.No.455 of 2004 in the Court of Junior Civil Judge, Luxettipet against two individuals when they were interfering with his possession and enjoyment over the land in survey Nos. 118 and 120 of Kyathanpalli village and that he also obtained an order of temporary injunction in I.A.No.840 of 2004. He submits that despite the interim order, the defendants in the suit have approached the second respondent and instead of ensuring compliance with the order of injunction, the second respondent is harassing the petitioner. Appropriate directions are sought for in this regard.

A counter-affidavit is filed by the second respondent. He denied the allegations made against him in the writ petition. He has also made a reference to W.P.No.20779 of 2004 filed by the petitioner against the Sub-Inspector of Police, Ramakrishnapur Police Station and ultimately he states that he never intended to interfere with the possession and enjoyment of the petitioner over the land or otherwise interfere with his rights.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

It is rather surprising that the petitioner had to approach this Court twice alleging that the police officials who are supposed to act in aid to the orders passed by the civil Courts are harassing the petitioner. Though it is difficult for this Court to record any finding on the allegations made by the petitioner, the very necessity for him to approach this Court twice, is a matter of serious concern. The second respondent ought not to have given scope for such eventuality. Once the petitioner had approached the civil Court and obtained the

order of injunction, it is his duty to ensure that it is respected by all the concerned. In the counter-affidavit filed by him, the second respondent has undertaken not to interfere with the rights of the petitioner.

Hence, the writ petition is disposed of directing that the second respondent shall ensure that the rights of the petitioner are not invaded as long as the order of temporary injunction subsists in his favour and that he is not harassed by the police officials. There shall be no order as to costs.

20.12.2004

Note:

Issue CC in two days.

(BO)

ksld

To

1 The Superintendent of Police, Adilabad, Adilabad District.
2 The Circle Inspector of Police, Mandamarri Circle
Mandamarri, Adilabad District.

3 Two CCs to the Government Pleader for Home, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.